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MAR 17 CO

RAFAEL G. PROHIAS

March 17, 1997

OUR FILE NO. 0713-101-63

Mr. William F. Caton Acting Secretary Federal Communications Commission Washington, D.C. 20554

Re:

MM Docket No. 97-35

**RM-8900** 

Calhan, Colorado

Dear Mr. Caton:

Transmitted herewith, on behalf of Pueblo Broadcasters, Inc., are an original and four copies of its Comments in the above-referenced rulemaking proceeding.

Kindly communicate any questions concerning this matter directly to this office.

Very truly you

Rafael G. Prohias

RGP/ned

Enclosures: (5)

No. of Copies recid OF 4 List A. S. C. D. E.

#### Before The

## **Federal Communications Commission**

Washington, D.C. 20554

In The Matter Of

Amendment of Section 73.202(b)
Table of Allotments,
FM Broadcast Stations
Calhan, Colorado

MM Docket No. 97-35

FE.

RM-8900

MAR 1

To:

Chief, Allocations Branch Policy and Rules Division Mass Media Bureau

# Comments and Counterproposal of Pueblo Broadcasters, Inc.

By Petition for Rulemaking filed October 3, 1996, Calhan Radio Company ("Calhan"), requested the Commission institute a rulemaking proceeding to amend Section 73.202(b) of the Commission's Rules, the Table of FM Allotments, by allotting Channel 280A to Calhan, Colorado, as that community's first local aural transmission service. In response, the Commission released a *Notice of Proposed Rulemaking* ("NPRM") in the above-captioned proceeding proposing the requested change to the Table of Allotments and soliciting the submission of comments by March 17, 1997. See NPRM, MM Dkt. 97-35, RM-8900, DA 97-0100.

Pueblo Broadcasters, Inc. ("PBI"), through counsel, hereby submits its Comments and Counterproposal in response to the *NPRM*, requesting allotment of Channel 284A to Calhan, Colorado, in lieu of Channel 280A. PBI further incorporates by reference its Petition for Rulemaking filed August 15, 1996, and Counterproposal subsequently filed on January 7, 1997, requesting the substitution of Channel 283A for Channel 280A at Canon City, Colorado, and allotting Channel 283C1 to

Pueblo West, Colorado. See NPRM, MM Dkt. 96-232, RM-8868, DA-96-1865 (hereinafter "Pueblo West Rulemaking"). PBI hereby resubmits its Counterproposal, submitted in the Pueblo West Rulemaking, in the instant rulemaking proceeding.<sup>1</sup>

As will be shown below, Calhan's proposal would not advance the goals of Section 307(b) of the Communications Act of 1934, as amended, while PBI's Counterproposal is consistent with Commission policy and would advance the public interest. Accordingly, PBI's Counterproposal should be adopted, and Calhan's proposal should be denied.

#### I. Background

#### a) PBI's Pending Rulemaking Proceeding.

PBI is the licensee of radio station KYZX(FM), Pueblo, Colorado ("KYZX"), which currently operates on Channel 283C2. In its Petition for Rulemaking ("PBI Petition"), PBI proposed to change its community of license from Pueblo to Pueblo West, Colorado, consistent with the procedures authorized in *Amendment of the Commission's Rules Regarding Modification of FM and TV Authorizations to Specify a New Community of License*.<sup>2</sup> PBI pointed out that allotting Channel 283C2 to Pueblo West would permit that community to receive its first local aural channel, thereby serving the highest of the Commission's existing allocation priorities.<sup>3</sup>

PBI again pledges that, if the Commission amends the FM Table of Allotments pursuant to PBI's Counterproposal as requested herein, PBI will promptly file an application for modification of its license, construct the modified facilities, place those facilities in operation, and will seek a license covering the Pueblo West facility.

<sup>&</sup>lt;sup>2</sup> 4 FCC Rcd 4870 (1989), recon. granted in part, 5 FCC Rcd 7094 (1990) ("New Community" Rulemaking)

See PBI Petition at 2. As stated in the PBI Petition, Pueblo West is a quasi-municipal political subdivision, comprised of over 8,000 persons, and separate and apart from the city of

#### b. PBI's Counterproposal.

In a Counterproposal filed in the Pueblo West Rulemaking, PBI requested that the Commission allot Channel 280C1 to Pueblo West, in lieu of allotting Channel 283C2 as originally proposed. PBI also requested substitution of Channel 283A for Channel 280A at Canon City, Colorado, which would be necessary in order to effectuate PBI's Counterproposal.<sup>4</sup>

Under its Counterproposal, PBI pointed out that Channel 280C1 could be awarded to Pueblo West at geographic coordinates North Latitude 38° 34′ 52″ and West Longitude 104° 31′ 52″, which would provide a site restriction of 33.5 kilometers north-northeast of the Pueblo West community, and that Channel 283A could be allotted to Canon City, Colorado at geographic coordinates North Latitude 38° 23′ 35″ and West Longitude 105° 21′ 07″, representing a site restriction of 11.7 kilometers west-southwest of Canon City. This allotment would permit KYZX(FM) to achieve Class C1 status, would provide 1.0 mV/m service to 562,351 persons within a 16,411.4 square kilometer radius — an increase of 92,759 persons in 8,130 square kilometers. Moreover, upon substitution of Channel 283A for 280A in Canon City, KSTY(FM) could improve to

Pueblo. Pueblo West is approximately 10 miles west of Pueblo, with its own municipal government, governed by a Board of Directors elected by the Pueblo West community. Pueblo West has a fire department, a county sheriff's department, a public works department and water and sewage treatment plants. Pueblo West also has its own post office and zip code (81007), and is separately listed in the 1990 U.S. Census as a Census Designated Place. *Id.* 

As noted in PBI's Petition and subsequent Counterproposal, PBI and KRLN, Inc., licensee of KSTY(FM), Canon City, Colorado, Channel 280A, have entered into an agreement whereby KRLN, Inc. has consented to the change in frequency and site relocation of KSTY(FM) as proposed by PBI, in exchange for reimbursement by PBI of the reasonable costs associated with such a change. PBI hereby reaffirms its commitment to reimburse KRLN, Inc. for the costs incurred by KRLN, Inc. in changing the KSTY(FM) frequency and transmitter site as set forth in the agreement between PBI and KRLN, Inc.

See PBI Petition Exhibit A - Technical Statement at 5. That statement is attached hereto as Exhibit A and is incorporated herein.

maximum 6.0 kilowatt equivalent Class A facilities, thus resulting in an increase of 4,444 persons in 1,790.4 square miles.<sup>6</sup>

Further, in light of Calhan's instant Petition for Rulemaking seeking the allotment of Channel 280A to Calhan, Colorado, and that Petition's mutual exclusivity with PBI's proffer, PBI's Counterproposal requested that the Commission allot Channel 284A to Calhan rather than the initially-requested Channel 280A. As demonstrated in PBI's Counterproposal, Channel 284A could be allotted to Calhan at geographic coordinates North Latitude 39° 01' 42" and West Longitude 104° 15' 44", with a site restriction of 3.0 kilometers to the east-southeast of the community to avoid short-spacing radio station KSKE-FM, Vail, Colorado (Channel 284C1), in full compliance with the Commission's FM spacing rules. Operations from these coordinates would also provide city grade service levels as set forth in Section 73.315 of the Commission's Rules.

## c. Calhan's Reply Comments and Opposition to PBI's Counterproposal.

On or about January 21, 1997, Calhan filed Reply Comments in the PBI rulemaking proceeding, opposing PBI's Counterproposal. In its Reply Comments, Calhan alleges, *inter alia*, that PBI's Counterproposal would result in "adverse consequences," in that "existing stations will be required to change channels . . . [t]he KSTY transmitter will have to be relocated . . . [and] Calhan's proposal will have to be changed." Calhan argues that both PBI and KRLN, Inc., licensee of KSTY(FM), Canon City, could effectuate upgrades to their respective facilities without changing the current allocations at Calhan and Canon City, in a manner "less

Id.

<sup>&</sup>lt;sup>7</sup> Calhan Reply Comments at 3.

disruptive" to the Commission allocations scheme. See Reply Comments at 2.

## III. PBI's Counterproposal Provides Compelling Public Interest Benefits Pursuant to Section 307(b) of the Communications Act.

PBI's Counterproposal — initially submitted in the Pueblo West Rulemaking, and now hereby resubmitted in the instant rulemaking proceeding — provides compelling public interest benefits pursuant to Section 307(b) of the Communications Act. In examining the merits of a change in community of license proposal, the Commission must determine whether the proposal would not have the effect of depriving a community of an existing service representing its sole local transmission outlet and whether the allotment to the new community would serve the Commission's allotment priorities and policies more effectively than the allotment to the old community. Simply stated, PBI's Counterproposal would permit both the Pueblo West and Calhan communities to receive their first local aural transmission service — thereby serving the highest of the Commission's existing allocation priorities? — and is technically superior to Calhan's own proposal.

#### Pueblo West, Colorado

As stated in its Comments and Reply Comments in the Pueblo Rulemaking, deletion of Channel 283C2 from Pueblo would not leave the community without a local aural service inasmuch as six AM stations, six FM commercial stations and one noncommercial FM station remain

See New Community Rulemaking, 5 FCC Rcd at 7094 (1990).

See 5 FCC Rcd 7097, para. 16 ("There are virtually no populated areas of the country where our higher allotment priorities, such as first reception service, have not been attained. Therefore, as a practical matter, provision of first local aural service is the highest of our allotment priorities which remains in any significant degree unsatisfied.")

licensed to Pueblo.<sup>10</sup> Moreover, as stated in the Technical Statement attached hereto as *Exhibit B*, PBI's Counterproposal for Channel 283C1 at Pueblo West would allow a maximum Class C1 facility to provide 1.0 mV/m coverage to 562,351 persons in 16,411.4 square kilometers. Calhan's proposed allotment of Channel 280C1 at Pueblo West, on the other hand, would deliver the same service to only 511,549 persons in 16,348.3 square kilometers. <sup>11</sup> PBI's Counterproposal thus provides service to an additional 50,802 people in Pueblo West — resulting in a 10 percent coverage increase from Calhan's proposal.

#### Calhan, Colorado

PBI's Counterproposal would also provide superior population coverage to the Calhan community, as compared to Calhan's own submission. As stated in PBI's Technical Statement, PBI's Counterproposal for allotting Channel 280A, based on its proposed reference site, would allow a maximum Class A facility to provide 1.0 mV/m coverage to 5,463 persons in 2,372.4 square kilometers. Calhan's proposal, however, would deliver 1.0 mV/m service to only 3,390 persons in 2,374.4 square kilometers. PBI's Counterproposal thus provides service to 2,073 more people in Calhan — a 37 percent increase from Calhan's proposal.

Further, PBI's Counterproposal can easily be achieved with a site restriction of 3.0 kilometers to the east-southeast of the Calhan community. As such, PBI's Counterproposal provides a substantially less

See PBI Petition at 6.

See Exhibit B at para. 4.

severe site restriction than Calhan's own approach, which has Channel 280A site restricted 12.4 kilometers northeast of the community. 12

In sum, PBI's Counterproposal is a clear "win-win" situation for both the Pueblo West and Calhan communities, as it is technically superior to Calhan's "paper" proposal, would result in a preferential arrangement of allotments, and advance the Commission's allotment priorities and Section 307(b) of the Communications Act.

## IV. Calhan's Opposition Provides Not a Scintilla of Evidence Showing Why PBI's Counterproposal is Disruptive.

In its Opposition, Calhan curiously fails to explain why it is entitled to Channel 280A, or how it would be harmed by PBI's Counterproposal. Section 316 of the Communications Act of 1934, as amended, and Section 1.87 of the Commission's Rules require that a party opposing the proposed modification of a station license demonstrate that a substantial and material question of fact exists as to whether the proposed modification would serve the public interest. Accordingly, some fundamental public interest detriment would have to exist before the Commission could conclude that the changes in the FM Table of Allotments, as proposed by PBI, should not be implemented. Yet, Calhan merely proffers the assertion of inconvenience for not supporting PBI's Counterproposal. While Calhan claims that PBI's Counterproposal would negatively impact its own proposal, Calhan presents no actual evidence as

Id. at n.1. As PBI's Counterproposal would provide both Calhan and KSTY's facilities with the capability to upgrade to 6 kW Class A facilities, the Counterproposal also furthers the Commission's stated policy of maximizing the number of 6 kW Class A stations. As the Commission has stated, the public interest demands consideration of proposals which will help effectuate this goal. See East Los Angeles, Long Beach and Frazier Park, California, 10 FCC Rcd 2867 (1995).

See License Modification Pursuant to Section 316 of the Communications Act, 2 FCC Rcd 3327 (1987).

to how it would be specifically harmed by PBI's Counterproposal.<sup>14</sup> Calhan claims that its flexibility to upgrade in the future would be limited, but again provides no showing to support its transparent declaration.

Moreover, Calhan's claims notwithstanding, it is Calhan's proposal that is in fact more disruptive than PBI's Counterproposal. In opposing PBI's Counterproposal, Calhan essentially argues that both PBI and KRLN, Inc., licensee of KSTY(FM), Canon City, Colorado could upgrade their current facilities without adversely affecting the Commission's allocation scheme at Calhan and Canon City. 15 However, a review of the engineering data supporting Calhan's proposal demonstrates that Calhan's alternative would actually require that both PBI and KRLN, Inc. relocate their respective transmitter sites many miles from their currently authorized sites, without the prior consent of PBI or KRLN, Inc. 16 While the Commission has previously endorsed the relocation of a transmitter in limited situations — such as where a construction permit remains unbuilt or where a licensed facility is off-the-air — it has never done so where the affected station has not consented to the relocation.<sup>17</sup> Calhan does not even allege that it has obtained such consent, or that it even is willing to reimburse PBI and KRLN, Inc. for their expenses. Indeed, it is PBI and KRLN, Inc. who have negotiated and agreed to the change in frequency and site relocation of KSTY(FM) as proposed by PBI, in exchange for reimbursement by PBI of the reasonable costs associated

Calhan's contention that PBI's Counterproposal comes at the expense of KSTY(FM) also is inapposite. As stated above, KSTY has already agreed to the change in frequency and site relocation of KSTY(FM). See supra n.3.

See Calhan Reply Comments at paras. 3-4.

See Calhan Reply Comments, Exhibits 1-2.

See Claremore, Locust Grove and Nowata, Oklahoma and Barling, Arkansas, 3 FCC Rcd 4037, 4038 (citing North Charleston, South Carolina, 47 Fed. Reg. 10560 (published March 11, 1982)); see also Hazlehurst, Utica and Vicksburg, Mississippi, 11 FCC Rcd 2353, 2354 (1996).

with such a change. Accordingly, Calhan's proposal would be unprecedented, and effectively amounts to an untimely counterproposal. It should therefore be denied.

#### V. Conclusion

The above facts clearly demonstrate that PBI's Counterproposal is technically superior to Calhan's proposal, would result in a preferential arrangement of allotments, and thus advance the Commission's allotment priorities and Section 307(b) of the Communications Act. Under PBI's Counterproposal, the allotment of Channel 280C1 to Pueblo West, Colorado and Channel 284A to Calhan, Colorado would provide both communities with their first local aural service. PBI's Counterproposal would provide service to 50,802 more persons in Pueblo West, and 2,073 more persons in Calhan. PBI's Counterproposal also could allow KYZX(FM) to achieve Class C1 status — and provide 1.0 mV/m service to an additional 92,000 persons. Finally, KSTY(FM), Canon City, Colorado would improve to maximum 6.0 kilowatt equivalent Class A facilities, resulting in an increase in coverage of 4,444 persons. Thus, PBI's Counterproposal is a "win-win" proposition for all interested parties in both the Pueblo West and Calhan rulemaking proceedings. Moreover, Calhan has failed to provide the Commission with any explanation as to why Calhan is entitled to Channel 280A, or how Calhan would be harmed by PBI's Counterproposal. Indeed, a comparison of the two proposals clearly indicates that PBI's Counterproposal is technically and otherwise superior to Calhan's proposal.

See New Community Rulemaking, 5 FCC Rcd at 7094 (1990).

See PBI Petition at 6.

<sup>&</sup>lt;sup>20</sup> 5 FCC Rcd at 7097, para. 16.

Accordingly, PBI respectfully requests the Commission dismiss Calhan's proposal, and adopt the following amendment to the FM Table of Allotments:

| City                  | Present Allotment   | Proposed Allotment |
|-----------------------|---------------------|--------------------|
| Pueblo, Colorado      | 245C, 255C, 260C,   | 245C, 255C, 260C,  |
|                       | 264C, 283C2, 296C2, | 264C, 296C2, 300C1 |
|                       | 300C1               |                    |
| Pueblo West, Colorado | None                | 280C1              |
| Canon City, Colorado  | 280A                | 283A               |
| Calhan, Colorado      | None                | 284A               |

Respectfully submitted,

PUEBLO BROADCASTERS, INC

John M. Pelkey Rafael G. Prohias

ts Attorneys

HALEY BADER & POTTS P.L.C.

Suite 900 4350 North Fairfax Drive Arlington, VA 22203-1633 703/841-0606 March 17, 1997 Exhibit A

## GRAHAM BROCK, INC.

BROADCAST TECHNICAL CONSULTANTS

COMMENTS AND COUNTERPROPOSAL

MM DOCKET #96-232

PUEBLO BROADCASTERS, INC.

KYZX RADIO STATION

PUEBLO WEST, COLORADO

December 1996

**TECHNICAL EXHIBIT** 

Copyright 1996

COMMENTS AND COUNTERPROPOSAL

MM DOCKET #96-232

PUEBLO BROADCASTERS, INC.

KYZX RADIO STATION

PUEBLO WEST, COLORADO

December 1996

#### TECHNICAL STATEMENT

- 1. This Technical Statement and attached exhibits were prepared on behalf of Pueblo Broadcasters, Inc. ("PBI"), licensee of radio station KYZX, Channel 283C2, Pueblo, Colorado.

  PBI is also the petitioner in MM Docket #96-232 seeking the reallotment of Channel 283C2 from Pueblo to Pueblo West, Colorado, as that community's first local service.
- 2. PBI herein files a counterproposal requesting the allotment of Channel 280C1 to Pueblo West, Colorado, in lieu of Channel 283C2 at Pueblo West (Pueblo). In order to accommodate this counterproposal, it is also necessary to substitute Channel 283A for Channel 280A at Canon City, Colorado. PBI has an agreement with the licensee of the Canon City facility in which he consents to the change in frequency and change in site that the substitution of channels requires.
- 3. In the process of preparing this counterproposal, PBI was made aware of the request of Calhan Radio Company who seeks to allot Channel 280A to Calhan, Colorado. The proposed allotment of Channel 280A to Calhan is in conflict with the herein requested Channel 280C1 allotment at Pueblo West. The Notice of Proposed Rule Making involving Calhan, RM 8900, has to date not been issued by the Commission's staff. However, in light of the proposed changes proposed in this counterproposal, PBI demonstrates that an alternate channel is available for Calhan, Colorado, which is not in conflict with the requests contained herein.

#### **DISCUSSION**

4. The allotment of Channel 280C1 to Pueblo West, Colorado, is mutually exclusive with the currently authorized facilities of KYZX, Channel 283C2, Pueblo, Colorado, and in conflict with the proposed allotment of Channel 283C2 to Pueblo West as outlined in MM Docket #96-232. Further, as denoted in the original request for rule making, the reallotment of the channel from Pueblo to Pueblo West is not requesting a rural facility be moved into an urbanized area as the current facility is licensed to Pueblo and provides service to the Pueblo Urbanized Area. Pueblo West is a part of the Pueblo Urbanized Area. In addition, the proposed allotment will provide for greatly expanded service for KYZX over its currently authorized C2 facilities and those facilities proposed in the original Notice of Proposed Rule Making. Further, the reallotment of the channel from Pueblo to Pueblo West will not deprive Pueblo of its only local service, since Pueblo will retain service from fifteen authorized stations after the channel is reallotted to Pueblo West.

#### **PROPOSAL**

5. Channel 280C1 can be allotted to Pueblo West, Colorado, at geographic coordinates North Latitude 38° 34′ 52″ and West Longitude 104° 31′ 52″. This represents a site restriction of 33.5 kilometers north-northeast of the community to avoid shortspacing the proposed allotment of Channel 283A at Canon City, Colorado, as detailed below.¹ A 3.16 mV/m contour can be placed over the community from the reference site. Exhibit #1 is a usable area study denoting where a transmitter site for Channel 280C1 at Pueblo West could be located.

The allocation reference site for Channel 280C1 at Pueblo West is only 6.5 kilometers east-northeast of the KYZX construction permit site on Channel 283C2 (BPH-951205IG). In addition, at this location the Federal Aviation Administration has already approved a tower structure well in excess of that needed for a maximum Class C1 facility for Pueblo West. In Aeronautical Study #85-ANW-0379-OE, the Federal Aviation Administration approved a 1,349 foot above ground structure. The tower was previously used by station KGFT, Channel 264C, Pueblo, Colorado. The site was abandoned by the station several years ago. However, the transmitter building and tower foundations remain at the site and available for use by PBI.

Exhibit #2 is a §73.207 spacing analysis for Channel 280C1 demonstrating the proposed allotment meets the Commission's minimum distance separation requirements to all licensed, applied for or proposed facilities with the exception of station KSTY, Canon City, Colorado, and the proposed Channel 280A allotment at Calhan, Colorado, as detailed further below.

- 6. Channel 283A can be allotted to Canon City, Colorado, at geographic coordinates

  North Latitude 38° 23′ 35″ and West Longitude 105° 21′ 07″. This represents a site restriction of

  11.7 kilometers west-southwest of the community in order to avoid shortspacing the proposed

  allotment of Channel 280C1 at Pueblo West. A 3.16 mV/m contour can be placed over the

  community from the reference site. Exhibit #3 is a usable area study for Channel 283A at Canon

  City. Exhibit #4 is a §73.207 spacing analysis which reflects that the channel meets the

  Commission's minimum distance separation requirements from the reference site to all licensed,

  applied for or proposed facilities with the exception of KYZX in Pueblo who will vacate Channel

  283C2 as part of this rule making.
- 7. In order to accommodate the proposed Channel 280C1 allotment to Pueblo West, it is necessary for an alternate channel to be used in lieu of the proposed Channel 280A allotment at Calhan. Based on the proposed changes at Pueblo West and Canon City, as detailed above, it will be possible to allot Channel 284A to Calhan rather than the requested Channel 280A. Channel 284A can be allotted to Calhan with a site restriction of 3.0 kilometers to the east-southeast of the community to avoid shortspacing station KSKE-FM, Channel 284C1, Vail, Colorado at geographic coordinates North Latitude 39° 01' 42" and West Longitude 104° 15' 44". A 3.16 mV/m contour can be delivered over Calhan from the proposed reference site. Exhibit #5 is a usable area map denoting where a transmitter site for Channel 284A can be

2)

This represents a significantly lesser site restriction than the proposed Channel 280A.

located to provide service to Calhan. Exhibit #6 is a §73.207 spacing analysis demonstrating that Channel 284A meets the Commission's minimum distance separation requirements to all licensed, applied for or proposed facilities with the exception of KYZX in Pueblo which will relocate to Channel 280C1 as part of this request. It should be noted that the proposed alternate channel forwarded by PBI for Calhan in no way expresses PBI's interest to file for the channel if it is allotted. PBI merely indicates that this channel is available should the Commission deem Calhan, Colorado, worthy of an allotment.

8. Therefore, PBI requests the following amendment to the Commission's Table of Allotments:

#### Pueblo West,

Present Proposed

None 280C1

#### Pueblo, Colorado

Present Proposed

245C, 255C, 260C, 264C, 245C, 255C, 260C, 283C2, 296C2, 300C1 264C, 296C2, 300C1

#### Canon City, Colorado

Present Proposed 280A 283A

#### Calhan, Colorado

Present Proposed
None 284A<sup>3</sup>

Should the Commission deem an allotment to this community as being in the public interest.

#### PUBLIC INTEREST ASPECTS

- 9. A maximum Class C1 allocation on Channel 280 from the proposed reference site at Pueblo West will provide 1.0 mV/m service to 562,351 persons in 16,411.4 square kilometers. This represents an increase of 92,759 persons in 8,130.0 square kilometers. Further, once Channel 283A is substituted for Channel 280A at Canon City, station KSTY will be able to improve to maximum 6.0 kilowatt equivalent Class A facilities. This will enable it to serve 30,932 persons in 2,401.8 square kilometers, which reflects an increase of 4,444 persons in 1,790.4 square kilometers. It should be noted the improved allotments at Pueblo West and Canon City will not create any loss of service, based on the proposed reference sites for the upgraded facilities as compared to the authorized facilities at each community. Further, the allotment of Channel 280C1 to Pueblo West and Channel 283A to Canon City will not preclude the allotment of a Class A channel to Calhan, Colorado.
- 10. PBI indicates that it will reimburse the licensee of KSTY for reasonable expenses to make the change in channels and site at Canon City, Colorado. Further, PBI will file, on a timely basis, an application for a construction permit to operate KYZX on Channel 280 at Pueblo West, Colorado.
- 11. The foregoing Technical Statement and attached exhibits were prepared on behalf of Pueblo Broadcasters, Inc., by Graham Brock, Inc., its Technical Consultants. All information contained herein is true and accurate to the best of our belief and knowledge. All data relating to the FM facilities is extracted from the NTIA database as updated on December 20, 1996. We

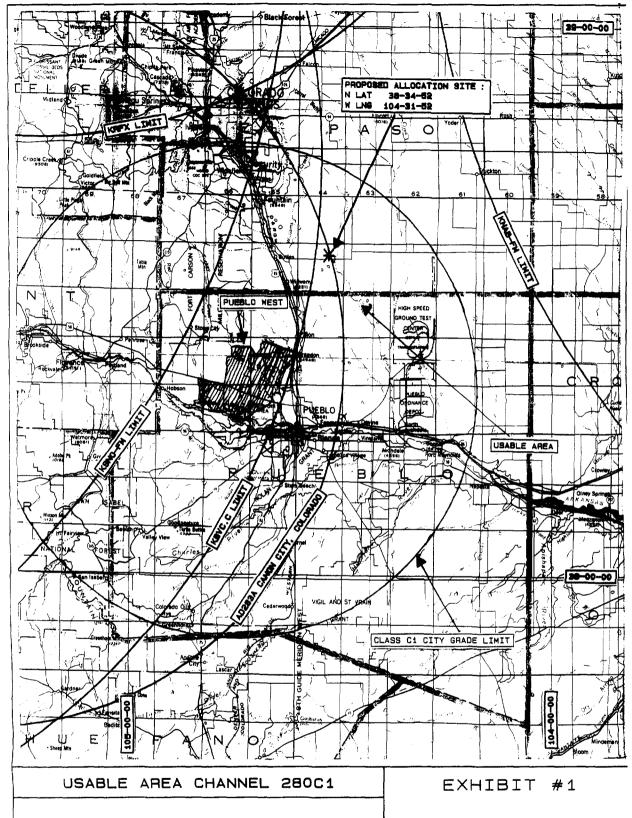
4)

5)

The authorized facilities for KYZX are based on its authorized construction permit, File #BPH-951205IG.

From the Channel 284A reference site indicated above, a maximum 6.0 kilowatt Class A facility at Calhan will provide 1.0 mV/m service to 4,712 persons in 2,375.4 square kilometers.

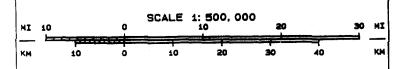
assume no liability for errors or omissions in that database that may be adverse to the requests contained herein. All population figures are based on 1990 Census figures as extracted from the PL 94-171 computer files.



MAP IS A PORTION OF THE 1:500.000 SCALE U.S.G.S. BASE MAP OF COLORADO.

MAP ASSUMES KSTY ON CHANNEL 283A AT CANON CITY, CO AND CH 284A ALLOTTED TO CALHAN, CO.

COMMENTS & COUNTERPROPOSAL MM DOCKET # 96-232 PUEBLO BROADCASTERS, INC. ALLOT CHANNEL 280C1 PUEBLO WEST, COLORADO December 1996



### GRAHAM BROCK, INC.

BROADCAST TECHNICAL CONSULTANTS

### ALLOCATION STUDY FOR PUEBLO WEST, COLORADO USING PROPOSED ALLOCATION SITE AS REFERENCE

| RE1 | PERENCE<br>34 52 N<br>31 52 W |                          |                            | Curren<br>- CHANNE                  | CLASS C1<br>t rules spa<br>L 280 -103. | cings<br>9 MHz - |                             | DISPL<br>DATA<br>SEARCH    | AY DATES<br>12-20-36<br>12-26-36 |
|-----|-------------------------------|--------------------------|----------------------------|-------------------------------------|--|------------------|-----------------------------|----------------------------|----------------------------------|
|     | CALL<br>TYPE                  | CH#<br>LAT               | CITY                       | NG                                  | STATE<br>PWR                           | BEAR'            | D-KM<br>D-KM                | R-KM<br>R-Mi               | MARGIN                           |
| -   | AD280<br>AD                   | 280C1<br>38 34<br>Pueblo | Pueblo<br>52 1<br>Broad    | West<br>04 31 52<br>casters,        | CO<br>0.000 ki<br>Inc.                 | 0.0<br>7 0M      | 0.00                        | 245.0<br>152.3             | -245.00                          |
| *   |                               | 280A<br>38 27<br>KRLN,   |                            | City<br>05 13 26                    | CO<br>3.000 ki                         | 257.6<br>¥ −158M | 61.90<br>38.5<br>BLH-670    | 200.0<br>124.3<br>1        | -138.10                          |
|     | CP CN                         | 38 33                    | 24 1                       | .04 35 56                           | CO<br>50.000 ki<br>Inc.                | W 150M           | 4.0                         | 49.1                       |                                  |
|     | AD283<br>AD                   | 283C2<br>38 33<br>Pueblo | Pueblo<br>24 1<br>Broad    | West                                | CO<br>6 0.000 kt                       | 245 3            | 6.50                        | 79.0                       | -72 . 50                         |
|     | KYZX<br>LI ZCN                | 283C2<br>38 21           | Pueblo<br>28 1             | .04 38 12<br>lcasters,              | CO<br>2 50.000 kg                      |                  | BLH-930                     | 518KB                      |                                  |
| +   | AD283<br>AD                   | 283A<br>38 23<br>Pueblo  | Canon<br>3 35 1<br>3 Broad | City<br>105 21 07<br>icasters,      | CO<br>7 0.000 k                        | 253.9<br>W 0M    | 74.60<br>46.4<br>RM-890     | 75.0<br>46.6               | -0.40                            |
|     | KBVC.C<br>CPMZCN              | 281C3<br>38 44<br>Riley  | Buena<br>145 :             | Vista<br>LO6 11 5:                  | CO .                                   | 277.7            | 146.28<br>90.9<br>BMPH-951  | 144.0                      | 2.28                             |
|     | KSNOFM<br>AP CN               | 280A<br>39 1<br>Rocky    | Snowmu<br>4 51 :<br>Mounta | ass Villa<br>106 55 1:<br>ain Radio | age CO<br>3 6.000 k<br>5 Company       | 290.5<br>W 99M   | 220.03<br>136.8<br>BMLH-960 | 3 200.0<br>124.3<br>0220KC | 20.03                            |
|     | KSNOFM<br>LI CN               | 280A<br>39 1<br>Rocky    | Snowm<br>4 51 :<br>Mount   | ass Villa<br>106 55 13<br>ain Radio | age CO<br>3 2.500 k<br>o Company       | 290.5<br>W 99M   | 220.03<br>136.8<br>BLH-85   | 3 200.0<br>124.3<br>0404KK | 20.03                            |
|     | LI ÇN                         | 39 1<br>KNAB,            | 7 41<br>Inc.               | 102 15 3                            | co<br>7 51.000 k                       | W 110M           | 131.9<br>BLH-90             | 110.0<br>0222KD            |                                  |
|     | KRFX<br>LI CN                 | 39 4                     | 3 50                       | 105 14 0                            | CO<br>7 100.000 k<br>of Colorado       | 334.8<br>W 320M  | 141.3<br>87.9               | 8 105.0<br>65.3            | 36.38                            |

#### ALLOCATION STUDY CHANNEL 280C1

\* NOTE: KSTY IS TO MOVE TO CHANNEL 283A AS PART OF THIS PROPOSAL.

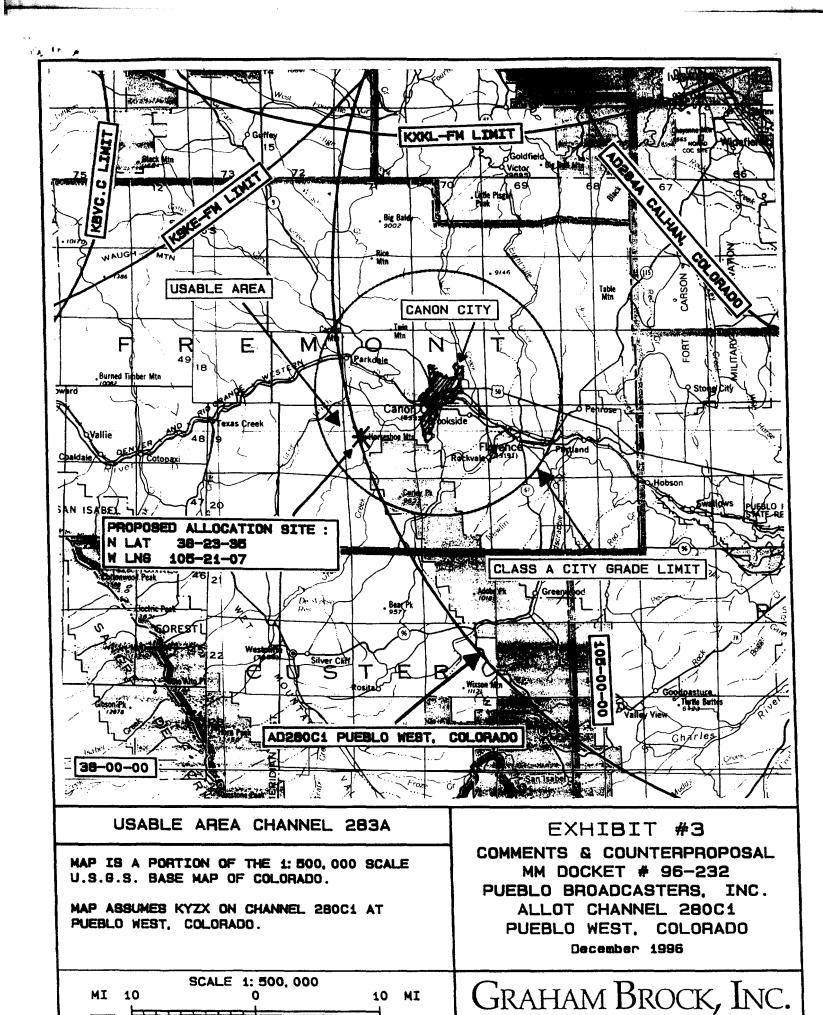
+ NOTE: THE SPACING TO AD283A IS SHOWN AS -0.4 KM. SINCE THIS IS LESS THAN 0.49 IT ROUNDS TO ZERO.

### EXHIBIT #2

COMMENTS & COUNTERPROPOSAL MM DOCKET # 96-232 PUEBLO BROADCASTERS, INC. ALLOT CHANNEL 280C1 PUEBLO WEST, COLORADO December 1996

## GRAHAM BROCK, INC.

BROADCAST TECHNICAL CONSULTANTS



Broadcast Technical Consultants

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KM

KM

### ALLOCATION STUDY FOR CANON CITY, COLORADO USING PROPOSED ALLOCATION SITE AS REFERENCE

| REE<br>38 2<br>105 | TERENCE<br>23 35 N<br>21 07 W |  | Curren   | CLASS A<br>t rules spac<br>L 283 -104.5 | ings<br>MHz - |                           | DISPL<br>DATA<br>SEARCH | AY DATES<br>12-20-96<br>12-26-96 |
|--------------------|-------------------------------|--|--|---|---------------|---------------------------|-------------------------|----------------------------------|
|                    | CALL<br>TYPE                  | CH# CI<br>LAT                                | TY<br>LNG                                      | STATE<br>PWR                            | BEAR'         | D-KM<br>D-Mi              | R-KM<br>R-Mi            | MARGIN<br>(KM)                   |
|                    | AD283<br>AD                   | 283A Can<br>38 23 35<br>Pueblo Br            | on City<br>105 21 07<br>coadcasters,           | CO<br>0.000 kW                          | 0.0<br>0M     | 0.00                      | 115.0<br>71.5           | -115.00                          |
|                    | KYZX<br>LI ZCN                | 283C2 Pue<br>38 21 28<br>Pueblo Bi           | eblo<br>3 104 38 12<br>coadcasters,            | CO<br>? 50.000 kW<br>. Inc.             | 93.4<br>105M  | 62.63<br>38.9<br>BLH-930  | 166.0<br>103.2<br>518KB | -103.37                          |
|                    |                               |  |  |   |               |                           |                         | -97.82                           |
|                    | KYZX.C                        | 283C2 Pue                                    | eblo<br>4 104 35 50                            | CO<br>6 50.000 kW<br>, Inc.             | 74.3<br>150M  | 68.18<br>42.4             | 166.0<br>103.2          | -97.82                           |
|                    | KSTY<br>LI CN                 | 280A Car<br>38 27 35<br>KRLN, Inc            | on City<br>5 105 13 20                         | CO<br>6 3,000 kW                        | 56.4<br>-158M | 13.41<br>8.3<br>BLH-670   | 31.0<br>19.3<br>1       | -17.59                           |
|                    | AD280<br>DE                   | 280C1 Pud<br>38 34 55<br>Pueblo B            | roadcasters                                    | CO<br>2 0.000 kW<br>, Inc.              |               |                           |                         |                                  |
|                    | LI EN                         | KSKE, LL                                     | 8 106 26 4<br>C                                | CO<br>6 100.000 kW                      | 120M          | 104.0<br>BLH-960          | 82.7<br>801KC           |                                  |
|                    | LI CN                         | 286C De<br>39 36 0<br>Shamrock               | nver<br>0 105 12 3<br>Broadcasti               | CO<br>5 100.000 kW<br>ng, Inc.          | 5.2<br>356M   | 134.55<br>83.6<br>BLH-901 | 95.0<br>59.0<br>.023KB  | 39.55                            |
|                    | KBVC.C<br>CPMZCN              | 281C3 Bu<br>38 44 4<br>Riley M.              | ena Vista<br>5 106 11 5<br>Murphy              | CO<br>5 0.600 kW                        | 298.3<br>362M | 83.54<br>51.9<br>BMPH-951 | 42.0<br>26.1<br>215IC   | 41.54                            |
|                    | AD229<br>AD<br>>Site          | 229C3 Sa<br>38 29 1<br>Cyrus Es<br>Restricti | lida<br>0 105 58 5<br>phahanian<br>on 5.1km So | CO<br>3 0.000 kW                        |               |                           |                         |                                  |
|                    | AD284<br>AD                   | 284A Cal<br>39 01 4<br>Pueblo E              | han<br>2 104 15 4<br>Broadcasters              | CO<br>14 0.000 kw<br>s, Inc.            | 52.9<br>0M    | 118.14<br>73.4            | 4 72.0<br>44.8          | 46.14                            |

#### ALLOCATION STUDY CHANNEL 283A

\* NOTE: KYZX TO MOVE TO CHANNEL 280C1 AS PART OF THIS PROPOSAL.

+ NOTE: THE SPACING TO AD280 IS SHOWN AS -0.4 KM. SINCE THIS IS LESS THAN

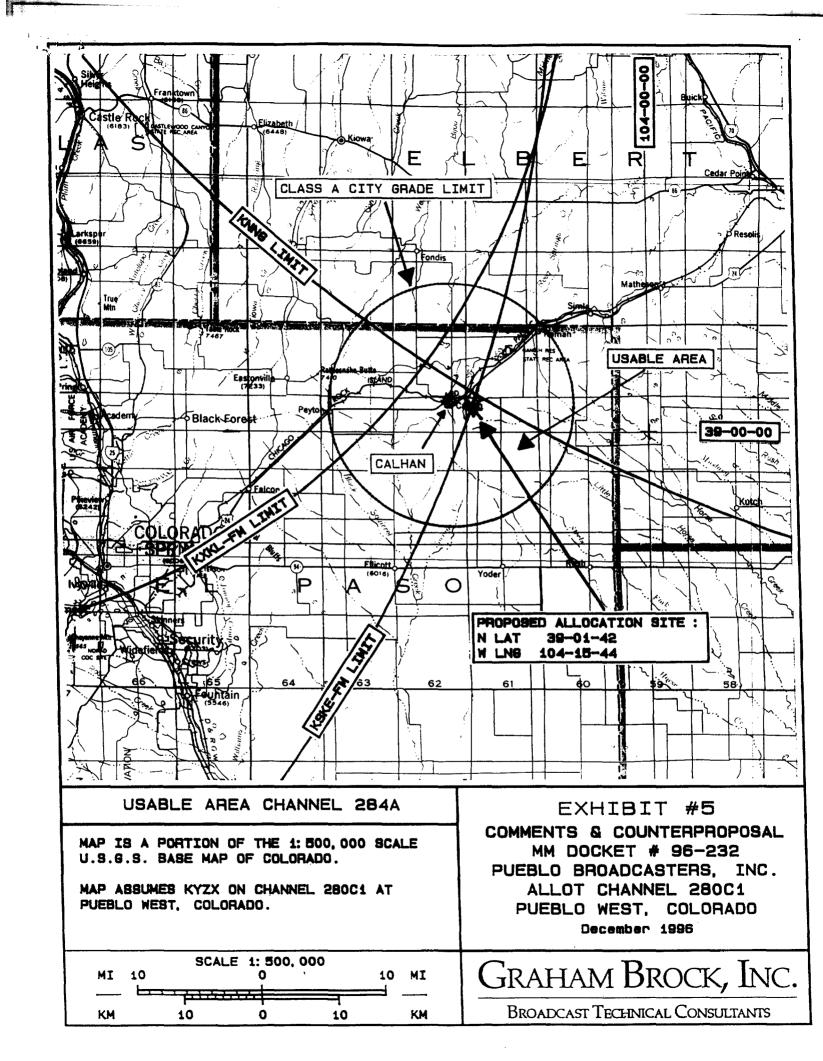
0.49 KM IT ROUNDS TO ZERO.

#### EXHIBIT #4

COMMENTS & COUNTERPROPOSAL MM DOCKET # 96-232 PUEBLO BROADCASTERS, INC. ALLOT CHANNEL 280C1 PUEBLO WEST, COLORADO December 1996

## GRAHAM BROCK, INC.

BROADCAST TECHNICAL CONSULTANTS



## ALLOCATION STUDY FOR CALHAN, COLORADO USING PROPOSED ALLOCATION SITE AS REFERENCE

| REI<br>39 (<br>104 | FERENCE<br>01 42 N<br>15 44 W |  | Current<br>CHANNEL | CLASS A rules space 284 -104.7 | ings<br>MHz - |                            | DISPL<br>DATA<br>SEARCH | AY DATES<br>12-20-96<br>12-27-96 |
|--------------------|-------------------------------|--|--------------------|--------------------------------|---------------|----------------------------|-------------------------|----------------------------------|
|                    | CALL<br>TYPE                  | CH# CITY                                 | LNG                | STATE<br>PWR                   | BEAR '        | D-KM<br>D-Mi               | R-KM<br>R-Mi            | MARGIN<br>(KM)                   |
|                    | YD                            | 284A Calha<br>39 01 42 :<br>Pueblo Broad | LO4 15 44          | 0.000 kW                       | OM            | 0.0                        | 71.5                    | -115.00                          |
| *                  | KYZX.C<br>CP CN               | 283C2 Pueblo<br>38 33 24<br>Pueblo Broad | 104 35 56          | 50.000 kW                      | 150M          | <i>37.3</i>                | 65.9                    |                                  |
| *                  | AD                            | 283C2 Puebl<br>38 33 24<br>Pueblo Broa   | 104 35 56          | 0.000 kW                       | OM            | 37.3                       | 65.9                    | -46.02                           |
| *                  | KYZX<br>LI ZCN                | 283C2 Puebl<br>38 21 28<br>Pueblo Broa   | 104 38 12          | 50.000 kW                      | 105M          | 50.5                       | 65.9                    |                                  |
|                    | LI EN                         | 284C1 Vail<br>39 38 08<br>KSKE, LLC      | 106 26 46          | CO<br>100.000 kW               | 120M          | 200.00<br>124.3<br>BLH-960 | 124.3                   |                                  |
|                    | LI CN                         | 284C1 Sterl<br>40 34 57<br>KSTC, Inc.    | 103 01 56          | 100.000 kW                     | 198M          | 125.7<br>BLH-810           | 124.3<br>402AB          |                                  |
|                    | KXKLFM<br>LI CN               | 286C Denve<br>39 36 00<br>Shamrock Br    | 105 12 35          | 100.000 kW                     | 356M          | 64.3                       | 59.0                    |                                  |
|                    | AD                            | 283A Canon<br>38 23 35<br>Pueblo Broa    | 105 21 07          | 0 000 147                      | ΩM            | 72 /                       | 44 0                    | 46.14                            |

#### ALLOCATION STUDY CHANNEL 284A

\* NOTE: KYZX TO MOVE TO CHANNEL 280C1 AS PART OF THIS PROPOSAL.

### EXHIBIT #6

COMMENTS & COUNTERPROPOSAL MM DOCKET # 96-232 PUEBLO BROADCASTERS, INC. ALLOT CHANNEL 280C1 PUEBLO WEST, COLORADO December 1996

GRAHAM BROCK, INC.

BROADCAST TECHNICAL CONSULTANTS